

FILED

JUN 23 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 BRIAN M. NESMITH, ROBERT
9 VERHEECKE, and BLUE COAT SYSTEMS,
10 INC.

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
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15 DRACENA PARTNERS, LLC, Individually and
16 On Behalf of All Other Persons Similarly
Situating,

17 Plaintiff,

18 vs.

19 BRIAN M. NESMITH, ROBERT
20 VERHEECKE, and BLUE COAT SYSTEMS,
INC.,

21 Defendants.
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CIVIL ACTION NO.: C-05-1468-MHP

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER REGARDING
CONSOLIDATION**

STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE NO. C-05-1468-MHP

1 The parties stipulate, and the Court hereby orders, as follows:

2 CONSOLIDATION OF RELATED CASES

3 1. On May 20, 2005, the Court entered a Related Case Order deeming the following
4 actions as related cases within the meaning of Civil Local Rule 3-12:

- 5 • *Dracena Partners, LLC v. NeSmith, et al.*, C-05-1468-MHP, filed April 11, 2005;
6 • *Hobbs v. Blue Coat Systems, Inc., et al.*, C-05-01520-SBA, filed April 13, 2005;
7 • *Hefner v. Blue Coat Systems, Inc., et al.*, C-05-01692-MJJ, filed April 25, 2005;
8 • *Finley v. Blue Coat Systems, Inc., et al.*, C-05-01829-SBA, filed May 3, 2005.

9 These cases are therefore consolidated into Civil Action No. C-05-1468-MHP for pretrial
10 proceedings before this Court. The consolidated action shall be captioned: "In re Blue Coat
11 Systems, Inc. Securities Litigation."

12 2. All related actions that are subsequently filed in, or transferred to, this District
13 shall be consolidated into this action for pretrial purposes. This Order shall apply to every such
14 related action, absent order of the Court. A party that objects to such consolidation, or to any
15 other provision of this Order, must file an application for relief from this Order within thirty (30)
16 days after the date on which a copy of the order is mailed to the party's counsel.

17 3. This Order is entered without prejudice to the rights of any party to apply for
18 severance of any claim or action, for good cause shown.

19 MASTER DOCKET AND CAPTION

20 4. The docket in Civil Action No. C-05-1468-MHP shall constitute the Master
21 Docket for this action.

22 5. Every pleading filed in the consolidated action shall bear the following caption:

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STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE No. C-05-1468-MHP

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re BLUE COAT SYSTEMS, INC.,) Master File No. C-05-1468-MHP
SECURITIES LITIGATION)

This Document Relates To:

CLASS ACTION

10 6. The file in Civil Action No. C-05-1468-MHP shall constitute a Master File for
11 every action in the consolidated action. When the document being filed pertains to all actions,
12 the phrase "All Actions" shall appear immediately after the phrase "This Documents Relates
13 To:". When a pleading applies only to some, but not all, of the actions, the document shall list,
14 immediately after the phrase "This Documents Relates To:", the docket number for each
15 individual action to which the document applies, along with the last name of the first-listed
16 plaintiff in said action (e.g., "No. C-05-01520-SBA (Hobbs)").

17 7. The parties shall file an administrative motion pursuant to Civil Local Rule 3-12
18 whenever a case that should be consolidated into this action is filed in, or transferred to, this
19 District. If the Court determines that the case is related, the clerk shall:

- 20 (a) place a copy of this Order in the separate file for such action;
21 (b) serve on plaintiff's counsel in the new case a copy of this Order;
22 (c) direct that this Order be served upon defendants in the new case; and
23 (d) make the appropriate entry in the Master Docket.

24 LEAD PLAINTIFF'S COUNSEL

25 8. After the Court has designated a Lead Plaintiff and Lead Plaintiff's Counsel, Lead
26 Plaintiff's Counsel shall have authority to speak for, and enter into agreements on behalf of,
27 plaintiffs in all matters regarding pretrial procedures, discovery, and settlement negotiations.
28 Lead Plaintiff's Counsel shall manage the prosecution of this litigation to avoid duplicative or

STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE NO. C-05-1468-MHP

1 unproductive activities. Lead Plaintiff's Counsel shall be responsible for coordination of all
2 activities and appearances on behalf of plaintiffs and for dissemination of notices and orders.
3 Lead Plaintiff's Counsel shall be responsible for communications with the Court. Lead Plaintiff's
4 Counsel shall maintain a master service list of all parties and counsel. Service by Defendants'
5 counsel on Lead Plaintiff's Counsel shall be deemed service on all plaintiffs.

6 9. Defendants' counsel may rely upon agreements made with Lead Plaintiff's
7 Counsel. Such agreements shall be binding on all plaintiffs.

8 PLEADINGS AND MOTIONS

9 10. Defendants are not required to respond to the complaint in any action
10 consolidated into this action, other than a consolidated complaint or a complaint designated as
11 the operative complaint.

12 11. Lead Plaintiff's Counsel shall file a consolidated complaint within sixty (60) days
13 after filing the order designating the Lead Plaintiff, unless otherwise agreed upon by the parties.
14 The consolidated complaint shall be the operative complaint and shall supersede all complaints
15 filed in any of the actions consolidated therein.

16 12. Defendants shall respond to the consolidated complaint within sixty (60) days
17 after service, unless otherwise agreed upon by the parties. If defendants file any motions
18 directed at the consolidated complaint, the opposition and reply briefs shall be filed within forty-
19 five (45) days and seventy-five (75) days, respectively, of that response, unless otherwise agreed
20 upon by the parties.

21 13. The parties shall serve all papers on each other by hand, by overnight delivery, or
22 (by prior agreement) by facsimile, unless otherwise agreed upon by the parties. Notwithstanding
23 the foregoing, defendants may serve plaintiffs' counsel, other than Lead Plaintiff's Counsel, by
24 first-class mail, unless otherwise agreed upon by the parties.

1 IT IS SO STIPULATED.

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3 Dated: June 10, 2005

Respectfully Submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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6 By: /s/ Caz Hashemi
Caz Hashemi

7 Attorneys for Defendants BRIAN M.
8 NESMITH, ROBERT VERHEECKE, and
BLUE COAT SYSTEMS, INC.

9 Dated: June 10, 2005

10 GLANCY BINKOW & GOLDBERG LLP

11 By: (attached)
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17 Attorneys for Plaintiff
18 DRACENA PARTNERS, LLC

19 Dated: June 10, 2005

20 BERMAN DEVALERIO PEASE TABACCO
21 BURT & PUCILLO

22 By: /s/ Christopher T. Heffelfinger
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27 Attorneys for Plaintiffs
28 DAVID HOBBS and GALEN FINLEY

STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE NO. C-05-1468-MHP

1 Dated: June 10, 2005

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16 Attorneys for Plaintiff
17 VICTOR HEFNER

18 ~~PROPOSED~~ ORDER

19 Upon Stipulation of the Parties and good cause appearing therefore, IT IS SO

20 ORDERED.

21 Dated: 6/22/05

22 
23 THE HONORABLE MARILYN HALL PATEL
24 UNITED STATES DISTRICT JUDGE

25 STIP AND [PROPOSED] ORDER
26 RE: CONSOLIDATION
27 CASE No. C-05-1468-MHP
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1 IT IS SO STIPULATED.

2
3 Dated: June __, 2005

Respectfully Submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

4
5
6 By: _____
Jerome F. Birn, Jr.

7 Attorneys for Defendants
8 BRIAN M. NESMITH, ROBERT
9 VERHEECKE, and BLUE COAT SYSTEMS,
INC.

10 Dated: June 10 2005

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17 Attorneys for Plaintiff
18 DRACENA PARTNERS, LLC

19 Dated: June __, 2005

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